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Atty Docket No.: 10407/969

REMARKS

In response to the Office Action mailed April 27, 2004, the cited prior art references have been reviewed, and the Examiner's claim objections and rejections have been considered. Applicants specifically traverse all objections and rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections under 35 U.S.C. § 112, second paragraph – Claims 37-39

The Examiner rejected claims 37-39 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicants regard as the invention. Claim 37 has been amended to clarify the claimed subject matter thereby traversing the rejection. Accordingly, the Applicants submit that the § 112 rejections to claims 38-39, which depend from claim 37, have also been overcome.

2. Claim Rejections under 35 U.S.C. § 103(a) – Claims 31 and 34-37

The Examiner rejected claims 31 and 34-37 under 35 USC §103(a) as being unpatentable over Lucero (U.S. Patent No. 5,038,022) in view of Capers (U.S. Patent No. 4,669,596) further in view of Perrie et al (U.S. Patent No. 6,173,955). More specifically, the Examiner contends that Lucero teaches all the elements in the recited independent claims except for the process used to adapt or to create a gaming machine having a card reading embodiment. To make up for the deficiency, the Examiner cites Capers as disclosing a method for retrofitting gaming machines to accept coded cards, as disclosed by Lucero. Furthermore, the Examiner cites Perrie as disclosing a gaming machine wherein a cash out button serves the dual purpose of being able to cash out coins, as well as, credit a smart card.

For the sake of brevity, the rejections of the independent claims 31 and 37 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in

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combination with those of the independent claims, provide further, separate, and independent bases for patentability.

In response, the Applicants respectfully submit that Lucero, Capers, and Perrie, either alone or in combination, fail to disclose all the elements recited in the claims. More specifically, it is respectfully submitted that the combination of these references fails to disclose “an interception and emulation unit” that is retrofitted to a gaming machine as recited in the claimed invention. In particular, Lucero does not disclose a gaming machine wherein a cash-less transaction system is retrofitted to a gaming machine. Rather, Lucero teaches a gaming machine designed, at the outset, to have both cash and cashless transaction units. Likewise, Perrie does not teach a gaming device wherein a cash-less transaction system is retrofitted to the gaming machine. Because the gaming devices disclosed in Lucero and Perrie are not retrofitted with a cashless transaction system, they do not require nor disclose “an interception and emulation unit” as recited in claims 31 and 37. While Capers teaches that a vending machine may be retrofitted with a coded card system, the Capers reference also does not disclose “the interception and emulation unit” as recited in independent claims 31 and 37. Because the Lucero, Capers, and Perrie references fail to disclose “an interception and emulation unit” that is retrofitted to a gaming machine, the Applicants respectfully submit that the 35 USC § 103(a) rejection has been overcome.

Additionally, the Applicants traverse the Examiner’s assertions with respect to the Perrie reference. More specifically, the Examiner states that Perrie axiomatically suggests “an interception processor” and “an dispenser emulator.” The Applicants respectfully submit that the Perrie reference does not disclose, teach, or suggest either an interception or an emulation device. Furthermore, the Applicants respectfully submit that it is not self-evident from the Perrie reference how the machinery cashes out a player because Perrie merely states, “how a player cashes out and the form of the ‘cash’ is immaterial to the teachings of the present invention.” (See Col. 8, lines 19-21). Accordingly, the Applicants respectfully submit that “an interception processor” and “an dispenser emulator” are not self-evident from Perrie.

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Furthermore, the Applicants respectfully submit that Perrie teaches away from the present invention. That is, Perrie discloses that it is irrelevant how the device cashes out a player. Accordingly, this is not an important feature of the Perrie device. In sharp contrast, the claimed invention requires an interception and emulation unit that is retrofitted into a gaming machine to provide cashless transactions.

While the devices in Perrie may credit a smart card instead of delivering coins when a cash out button is hit, as asserted by the Examiner, the Perrie device does not necessarily need "an interception processor" to credit the smart card especially since the Perrie device does not retrofit a cash-less transaction system. Rather, a processor or other device may directly credit the smart card. Similarly, while the Perrie device may dispense winnings by crediting a smart card, as asserted by the Examiner, the Perrie device does not necessarily need "a dispenser emulator" to credit the smart card especially since the Perrie device does not retrofit a cash-less transaction system. Again, a processor or other device may directly credit the smart card. Accordingly, the Applicants respectfully submit that Perrie does not teach, suggest, or imply a gaming device having "an interception processor" or "an dispenser emulator."

Furthermore, the Applicants respectfully traverse the Examiner's statement that "it is notoriously well known in the art to use an interface with an I/O between the controller and the peripheral devices." According to MPEP § 2144.03, "any rejections based on assertions that a fact is well-known or common knowledge in the art without documentary evidence to support the Examiner's conclusion should be judiciously applied." Claim 34 was obviated with respect to three references. Accordingly, the Applicants submit that there should be documentary evidence to support the Examiner's assertions. Thus, the Applicants respectfully request evidentiary support for an interface with an I/O between the controller and the peripheral devices.

In view of the foregoing, the Applicants respectfully submit that the 35 USC §103(a) rejection of claims 31, 34-37 has been overcome as Lucero, Capers, and Perrie, either alone or in combination, fail to teach or suggest "an interception and emulation unit" that is retrofitted to a gaming machine to provide cashless transactions.

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3. Claim Rejections under 35 USC § 103(a) – Claims 32-33, 38-39

With respect to claims 32-33 and 38-39, the Examiner asserts that these claims are unpatentable over Lucero in view of Capers, further in view of Perrie, and further in view of Crevelt (U.S. Patent No. 5,092,983). The Examiner's arguments regarding Lucero, Capers, and Perrie have been discussed in Section 2 of this response. The Examiner states that Crevelt discloses "a gaming machine adapted for cashless transfer."

In response, the Applicants note that claims 32-33 and 38-39 are dependent claims that depend from independent claims 31 and 37, respectively. In light of the arguments submitted in Section 2 of this response, the Applicants respectfully submit that dependent claims 32-33 and 38-39 are not obvious in view of the combination of Lucero, Capers, Perrie, and Crevelt because these references fail to teach or suggest "an interception and emulation unit" that is retrofitted to a gaming machine to provide cashless transactions. Moreover, these dependent claims further recite and define the present invention, and thus, are independently patentable. In conclusion, the Applicants respectfully submit that the 35 USC §103(a) rejection of claims 32-33 and 38-39 has been overcome.

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CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is believed clear that the differences between the claimed invention and the prior art are such that the claimed invention is patentably distinct over the prior art. Therefore, reconsideration and allowance of claims 31-39 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested. If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8323. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 6:30 PM Pacific Time.

Respectfully submitted,

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